IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 288 OF 2005
IN
WRIT PETITION NO.7378 OF 2005

Lawrence D'Souza
and Ors. ..Appellants

Vs.

M/s.Jogani & Sachdev
Developments
& Anr. ..Respondents

...

Smt.R.C.Nichani i/b M/s. R.Bhargavan
& Associate for Appellants
Mr.P.N.Modi with Mr.P.R.Bhosale i/b Narayanan
& Narayanan for Respondent No.1
Mr.A.J.Bhor for Respondent No.2

...

**CORAM: DR.S.RADHAKRISHNAN AND**
**SMT.V.K.TAHILRAMANI,JJ.**
**DATE : DECEMBER 23,2005**

**P.C.**

1. Heard the learned counsel for the Appellants, the learned counsel for the Respondent No.1 and learned counsel for Respondent No.2.

2. After hearing counsel for the parties for sometime, having regard to the facts and circumstances of this case, it would be just and

proper to direct the City Civil Court at Bombay to return the plaint to the Appellants to be presented before the appropriate Court as the City Civil Court did not have the pecuniary jurisdiction. The Appellants are at liberty to present the plaint before the appropriate Court. Ad-interim order passed by the City Civil Court at Bombay dated 5.10.2004 to continue till 25.1.2006.

3. Letters Patent Appeal stands disposed of accordingly.

4. Issuance of certified copy expedited.

[DR.S.RADHAKRISHNAN, J.]

[SMT.V.K.TAHILRAMANI,J.]